IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2580 of 2007

Dr.Vijay Mallya Applicant
Vs.
Shri Dinesh Mangilal Jain & anr. Respondents

Mr.Shrish Gupte, Sr.Counsel with Mr.Subodh Desai i/b.
B. Munim & Co. for applicant.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 13, 2007.

P.C.

. Heard Mr.Gupte, the learned Senior Counsel for the applicant. The applicant is challenging the process issued against him by the learned Metropolitan Magistrate in CC No.79/SW/2007. Mr.Gupte has also relied upon the decision in the case of Pepsi Foods Ltd. & anr. Vs. Special Judicial Magistrate & ors. **[(1998) 5 SCC 749]**.

. This Court in the case of V.K.Jain & ors. Vs. Pratap V. Padode **[2005 (3) Mh.L.J. 778]** has taken a view that for challenging the order of process issued by the Magistrate, there is an equally efficacious remedy of filing a revision application under Section 397 of Cr.P.C. and, therefore, the present applicant will also have to approach the Sessions Court at

Mumbai.

. The application is, therefore, disposed with liberty to approach the Sessions Court and if such a revision application is filed within a period of six weeks from today, the period of pendency of this petition from 21st July 2007 till today shall be excluded for counting the delay, if any.

(B.H.MARL